

City Council Special and Regular Meetings, October 22, 2002

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**SPECIAL MEETING: 6:15 P.M.**

**CLOSED SESSION**

A. Public Employee Performance Evaluation, pursuant to Government Code Section 54957:

1. City Manager Kersnar

Attended by Councilmembers Metropulos, Cook, Wright, Bauer, Warden, City Manager Kersnar and City Attorney Savaree. Recording Secretary Kern was excused from attending.

City Attorney Savaree and City Manager Kersnar left the meeting at 7:00 P.M. They returned to the meeting at 7:10 P.M.

**Adjournment** at this time, being 7:15 P.M.

George Metropulos

Clerk Pro Tem

Meeting not tape recorded

**REGULAR MEETING**

**CALL TO ORDER – 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Metropulos, Cook, Wright, Bauer, Warden.

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Parks and Recreation Director Mittelstadt, Public Works Director Davis, Finance Director Fil, IT Manager Harnish, Police Chief Janke, Recording Secretary Kern.

## **PLEDGE OF ALLEGIANCE**

Led by Recording Secretary Kern

## **ANNOUNCEMENT OF CLOSED SESSION ITEM**

Mayor Warden announced that direction was given, but no action was taken in the Closed Session held earlier.

## **SPECIAL PRESENTATIONS**

### **Mayor's Proclamation of Congratulations to the Belmont Blast Girls Softball Team.**

**Mr. Hall**, Coach, explained how this All Star team had been chosen from the three Belmont and Redwood Shores teams that played all season. He said they were the first-ever Girls' 12 and under softball team had been invited to a national tournament in St. Louis, Missouri where they finished 13<sup>th</sup> over all.

### **Presentation by Ken White, President, SPCA and Peninsula Humane Society.**

**Mr. White**, reviewed the contracted field service activities in Belmont over the last eight months. He reported that the citizens paid about \$6.20 per capita for these services in San Mateo County. Mr. White reported that he was working with a sub-committee of City Managers to reach agreement on an amendment to the Master Animal Control Agreement that should be coming to Council in July. He announced that a new Bachelor of Science Degree in Sociology, with an emphasis on animals in society, had been developed at Notre Dame de Namur University and he had been added to the facility and the advisory board. Mr. White noted that students were serving internships for this degree at the Humane Society.

Mr. White explained that they had a thirty year lease with the County for the Coyote Point Property but the lease was structured in such a way that the County could give the Humane Society a three year notice to vacate. He said they were currently looking for 8 acres of land, which was a real challenge, given the cost of land today.

Mr. White explained that the Humane Society would be looking seriously at taking over some of the funding responsibilities that had been paid for by the cities and the county. He said he thought this type of effort to reduce

costs would be mirrored by a contract with greater latitude for the Humane Society.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Ms. Fuller**, 3205 Longfellow Drive, **Ms. French**, 3205 Longfellow Drive and **Mr. Reiber**, 3211 Longfellow Drive, all expressed concerns about the parking and traffic that had been generated on Sunday by a church in their neighborhood. They agreed that having this type of large group use in a rural setting caused a dangerous situation to the neighborhood with cars being parked on both sides of the street, which did not allow room for emergency vehicles to get through.

Community Development Director Ewing stated that staff would look into these concerns and report back to Council with options regarding this situation.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

C. Metropulos reminded everyone there was a pumpkin patch at Notre Dame High School in front of the theatre, which benefited the theatre programs, especially the annual performances of the Christmas Carol.

C. Bauer reported on the annual block party and fun run held by Belmont Heights Civic Improvement Association over the weekend that was well attended.

Mayor Warden announced the annual Parks and Recreation Department and V.O.I.C.E.S. volunteers would be sponsoring Spookville for children 12 and under, on October 25, at Barrett Community Center.

C. Cook requested that this meeting be adjourned in memory of Dorothy South who had passed away suddenly this past week. C. Cook explained that Ms. South had been an active volunteer at the Senior and Community Center for many years and would be missed. Her husband Don Wilson survives her.

### **CONSENT CALENDAR**

**Approval** of meeting minutes: Special and Regular Meetings September 24, 2002.

**Approval** of Warrant List Dated: Warrants dated October 4, 2002 in total amount of \$869,041.80 and October 10, 2002 in total amount of 317,382,31.

Written Communication (None).

Motion to approve Claims Management Report (None)

**Motion to waive** reading of Ordinances.

**Motion to approve** amendments to the Council Protocols to eliminate 7:15 P.M. Agenda Study Session, and addition of procedure for Commissions' Vacancies.

**Resolution No. 9321** Approving a Professional Services Agreement with MIG Consultants to Facilitate the Green Task Force.

Consent Calendar adopted as presented. Moved by C.Bauer, seconded by C. Cook, and approved unanimously, by show of hands.

### **PUBLIC/HEARINGS**

**Consideration of a Introduction of an Ordinance amending Chapter 7 of the City Code: adopting by reference the 2001 edition of the California Building Standards Code, California Code of Regulations Title 24 (CCR, T-24), incorporating the 1997 Uniform Building Code, Volumes 1 and 2, as published by the International Conference of Building Officials (ICBO), State Housing Law, the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Section 32 (CCR,T-25), 1997 Uniform Administrative Code, 2000 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2000 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), 1999 National Electrical Code as published by the National Fire Protection Agency (NFPA), 1997 Uniform Housing Code, Chapters 4,5,6, and Sections 701.2 and 701.3, 1997 Uniform Code For Building Conservation, and 1997 Uniform Code for the Abatement of Dangerous Buildings with amendments and modifications thereto.(Continued from 10/8)**

Building Official Cyr explained that by adopting the administrative code, new findings in the electrical code would be put in place. He noted that one of the main reasons for adopting this code, with appendix chapter 34, was to provide the City with a vehicle to apply for funding from FEMA in the case of a disaster.

Mayor Warden reopened this hearing for further discussion.

**Mr. Silver,** Training Instructor for the International Brotherhood of Electrical Workers, expressed concerns that the code being adopted would be in conflict with what they were teaching in the electrical apprenticeship program.

Building Official Cyr explained that the City was not adopting the International Codes; only the State approved Codes, with seven specific amendments, and would not be in conflict with what was being taught in the apprenticeship program.

**Action:** on motion by C. Wright, seconded by C. Cook, and approved unanimously, by show of hands to close the public hearing.

In response to C. Bauer, City Manager Kersnar explained that the Fire Authority adopts the Fire Code for the City of Belmont and San Carlos. The Fire Chief is recommending the 2,500 s.f. threshold for fire sprinkling equipment in residential structures. The City may need to amend the Building Code to be in conformance, after the Fire Code is adopted.

**Action:** on motion by C. Cook, seconded by C. Bauer, and approved unanimously, by show of hands to adopt:

**Ordinance No. 981 amending Chapter 7 of the City Code: adopting by reference the 2001 edition of the California Building Standards Code, California Code of Regulations Title 24 (CCR, T-24), incorporating the 1997 Uniform Building Code, Volumes 1 and 2, as published by the International Conference of Building Officials (ICBO), State Housing Law, the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Section 32 (CCR,T-25), 1997 Uniform Administrative Code, 2000 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2000 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), 1999 National Electrical Code as published by the National Fire Protection Agency (NFPA), 1997 Uniform Housing Code, Chapters 4,5,6, and Sections 701.2 and 701.3, 1997 Uniform Code For Building Conservation, and 1997 Uniform Code for the Abatement of Dangerous Buildings with amendments and modifications thereto.**

**Public Hearing for Consideration of adoption of a Resolution  
Accepting \$100,000 from the State of California Citizens Option for**

**Public Safety Program (COPS), and augmenting the General Fund in that amount.**

Police Chief Janke explained that this \$100,000 had been approved in the State Budget to enhance law enforcement entities. He reported that this was the third year of funding and it would be used to continue to fund the salary of one police officer and a portion of a Community Service Officer.

Mayor Warden opened the Public Hearing.

On motion by C. Cook, seconded by C. Bauer and approved unanimously, to close the public hearing.

**Action:** on motion by C. Metropulos, seconded by C. Bauer, and approved unanimously, by show of hands, to adopt:

**Resolution No. 9322** accepting \$100,000 from the State of California Citizens Option for Public Safety Program (COPS), and augmenting the General Fund in that amount.

**OLD BUSINESS**

**Consideration of a Resolution adopting the Budget Correction Plan Principles for FY 2003 Mid-Year Review.**

City Manager Kersnar explained that during the adoption of the budget for this fiscal year, staff identified the need to make adjustments in the course of this year to address the long-term structural imbalance brought on by the recession. He reported that the State Budget adoption and continued evaluation of the recession had caused the staff to revise the \$750,000 target projection upwards because of the effect on our revenues. City Manager Kersnar stated that staff would present a budget correction plan, which would be adopted during the Mid-Year budget review.

He said this process had been the wisest course to take, because there has been additional effects from the recession, along with additional information from the State, which puts us in a position to recommend an effective budget correction plan at Mid-Year, and make the adjustments needed to restore long-term fiscal stability to the City.

Finance Director Fil reported that the target correction figure was \$1.3 million, which would be used to adjust revenues and expenditures in the General Fund and funds that are dependent on the General Fund. This adjustment would help achieve the targeted reserve level of 20% of

operations. He noted that if this action were not implemented, there would be a deficit in the year 2006. Staff was recommending this action to maintain the minimum \$2,000,000 General Fund balance.

Finance Director Fil reported that the General Fund estimate for Year 2002 ended up to be \$300,000 lower than projected, primarily driven by lower sales tax estimates. He stated that although these sales tax numbers were low, they appeared to be stabilizing. He reported that another reason for the low projections was the impact from the State on the General Fund. He noted that estimates for benefit costs would grow to 30% for public safety within the next five years. In addition, there are 12% increases in the health and worker's compensation benefits expected. Finance Director Fil explained that the only impact on the General Fund that had not been determined yet was the State impact. He said if the economy did not turn around, he anticipated additional pressure from the State on our budget.

Finance Director Fil explained that all vacancies would remain open until a plan was put into place, and that departments had been asked to make 15% discretionary reductions in their expenditure plans. In addition, a process has been developed, along with a list of principles to help achieve this target correction.

Finance Director Fil reviewed that suggested financial principles that had been developed in accordance with Council adopted financial policies: 1). Cost reduction strategies that do not diminish present levels of service will be given first priority for implementation; 2). Proposals to raise existing revenues or implement new sources of revenues will be given second priority for implementation; 3). Alternative reduced or eliminated service levels will be given third priority for implementation; and 4). Layoffs will be implemented only as a last resort.

In response to C. Cook, Finance Director Fil explained that any proposals to raise revenues would be implemented in the near future, upon adoption of this plan.

City Manager Kersnar stated that some of the revenue measures may not come into affect until years 2003/2004, but would still be part of the package. He noted that staff hoped that this \$1.3 million was enough so this exercise would not have to be done again.

Finance Director Fil stated that the objective for these budget correction strategies is that they are identifiable, sustainable and achievable.

**City Treasurer Mason**, 5 Debbie Lane, requested that the City Council refer the City Hall/Police Facility project to the Finance Commission for review and consideration.

**Mr. Lieberman**, 824 Miramar Terrace, expressed concerns about this financial report. He said he thought that the City would have to reach deeper than these cuts indicate. He said he thought the uncertain future may lead to a serious situation and encouraged the Council to take their time to determine where to spend City revenues in the near future.

**Mr. Ledoux**, 840 Miramar Terrace, expressed concerns about the economy and urged caution during deliberations on the budget correction plan.

**Action:** on motion by C. Wright, seconded by C. Bauer, and approved unanimously, by show of hands, to adopt:

**Resolution No. 9323** adopting the Budget Correction Plan Principles for FY 2003 Mid-Year Review.

### **Update on Permit Center.**

Permit Center Coordinator Nolfi, reported on the progress made in the Permit Center over the last 6 months.

Council congratulated the staff on the outstanding work that had been accomplished and stated that the community was providing positive feedback on this new way of doing business.

### **NEW BUSINESS**

#### **Consideration of Introduction of Ordinance amending Chapter 13 of the Belmont City Code, Massage Establishments.**

City Attorney Savaree stated that staff was in the process of proposing amendments to each chapter of the Belmont Municipal Code. This would delete outdated material and changes in law since the last amendment. She explained that the last comprehensive review of this Massage ordinance was in 1973. She reported that she had researched Cities throughout the County to find an ordinance that closely matched this current ordinance ,because many of the practices in this ordinance were still workable. She said she found a similar ordinance from the City of Millbrae, which had been adopted with little or no objection. City Attorney Savaree pointed out two major changes: a new section on operating regulations; and the Chief of Police, or his designee, will now process permits, with the City Manager as the hearing

officer, in case of a denial of a license. City Attorney Savaree reviewed the various changes in the ordinance and indicated that Section 13-20 – operating and sanitation requirements had been added as a whole new section to the ordinance. She indicated that out-call massage would be allowed with a valid prescription from a licensed physician.

In response to C. Bauer, City Attorney Savaree stated that if the Council would like to allow licensed Chiropractors to prescribe out-call massage, that was their choice.

In response to C. Cook, Police Chief Janke stated that it would be their intent to move through the application period expeditiously, and 60 days would be the maximum time to process an application.

In response to C. Cook, Community Development Director Ewing explained that the valuation of the Building Permit, (cost of improvements), triggered the need for handicap improvements to an establishment, ADA improvements would not be automatically required. He said this ordinance sets a lower threshold for ADA improvements, because the nature of the business requires these improvements.

C. Bauer expressed his concern that this ordinance would force these sole proprietors out of business.

C. Bauer stated that he would like the words "and/or licensed chiropractic practitioners".. included with licensed physician in Section 13-25 A – Outcall Services.

In response to C. Cook, City Attorney Savaree stated that if this ordinance was adopted all applicants would be required to post a \$5,000 bond. She explained that this bond would be used for cost recovery in the event the City has to take action to revoke or suspend an operator's permit within the first two years.

**Ms. Fleming**, Massage Therapist, The Relaxation Center, Belmont expressed her concerns about this ordinance, which she felt, would put her out of business. She provided a letter and information, to clarify her concerns. (on file in the Clerk's office)

Following Council discussion, Mayor Warden requested that this item be tabled so that the City Attorney could look over the materials that were presented by Ms. Fleming.

C. Cook said she would like the staff to look at options to deal with new businesses coming into the City and businesses that have already been established.

C. Wright stated that this ordinance seemed to target larger establishments. He said his concern was that when all these requirements were added up, they could put the sole proprietor out of business. He said he would like staff to consider this perspective when considering options.

**Action:** on motion by C. Warden, seconded by C. Bauer, and approved unanimously, by show of hands to table this item at this time.

**ADJOURNMENT** at this time, being 9:25 P.M. this meeting was adjourned to a Closed Session immediately following this Regular Meeting.

George Metropulos

Clerk Pro Tem

Meeting tape recorded and video taped

Tape No. 537

## **SPECIAL MEETING**

### **CLOSED SESSION:**

- A. Conference with Real Property Negotiator, City Manager Kersnar, pursuant to Government Code Section 54956.8:

1. APN: 045-380-010

Councilmembers Metropulos, Cook, Wright, Bauer, Warden, City Manager Kersnar, City Attorney Savaree, Parks and Recreation Director Mittelstadt, Assistant City Manager Rich. Recording Secretary Kern was excused from attending.

**ADJOURNMENT** at this time, being 9:35 P.M.

George Metropulos

Clerk Pro Tem

This meeting was not recorded